Remarks

Claims 1-8 were pending in the subject application. By this Amendment, claims 1, 2 and 6-8 have been amended. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 1-8 are currently before the Examiner for consideration. Applicant respectfully submits that these amendments will require no further search on the part of the Examiner and do not constitute new matter. Favorable consideration of the pending claims is respectfully requested.

It should also be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion. These amendments should not be construed as an indication of Applicant's agreement with or acquiescence to, the rejections of record. Applicant expressly reserves the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application. Favorable consideration of the claims now presented, in view of the remarks and amendments set forth herein, is earnestly solicited.

The abstract of the disclosure of the subject specification has been objected to because it is not directed to the invention. By this Amendment, Applicant has amended the abstract. Applicant respectfully submits that no new matter has been incorporated in this Abstract. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

Claims 2 and 7 have been objected to as being directed to non-elected species. Applicant has amended these claims to delete reference to the non-elected species. Accordingly, reconsideration and withdrawal of this objection is also requested.

Claims 1-8 have been rejected under 35 U.S.C. §112, first paragraph, as failing to convey to one skilled in the art that the inventor had possession of the claimed invention. With regard to the recitation of "in molar ratios of human tissue" in claim 1, the applicant believes that it would be a matter of routine experimentation to determine the molar ratios in a human tissue to be treated with the compositions of the subject invention and that the amino acid composition/molar ratios of amino acids within various human tissues are known to those skilled in the art. However, in order to expedite prosecution of the subject application, the claims have been amended and thus, render this issue now moot. Support for the amendments can be found at page 19, line 30 through page 20 line

1 and page 21, lines 19-20. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph, is respectfully requested.

Claims 1-8 have also been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. With regard to the use of the phrase "at least one glycosaminoglycan, proteoglycan aggregate complex", as discussed above, claim 1 has been amended and this issue is now believed to be moot. In addition, the term "plamalogen" contains a typographical error and should read "plasmalogen." Claim 1 has been amended accordingly.

With regard to the use of the trademark names (Tween 80 and SPAN 80) in the claims, the claims also recite the chemical name for each of these products. Therefore, the trademark names have been deleted from claim 1.

The Office Action further states that claim 6 is indefinite because of the use of the terms "L-taurine" and "L-carnitine". Applicant appreciates the Examiner's careful review of the claims and respectfully asserts that the use of "L-taurine" and "L-carnitine" in claim 6 was an oversight. Therefore, claim 6 has been amended accordingly and reference to "L-carnitine" has been included in claim 8. In view of these amendments to the claims, the applicant respectfully requests reconsideration and withdrawal of these rejection under 35 U.S.C. §112, second paragraph.

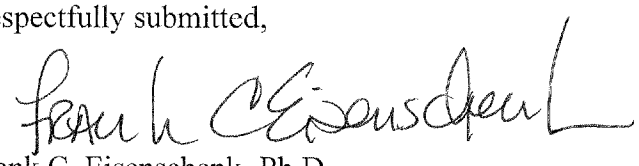
Claims 1-8 are rejected under the judicially created doctrine of "obviousness-type" double patenting over claims 1-12 of U.S. Serial No. 11/501,380 and claims 1-9 of U.S. Serial No. 11/073,514. Applicant respectfully asserts that the claims are not obvious over the cited patent. However, in order to expedite prosecution of the subject application, Applicant has submitted a Terminal Disclaimer with this Amendment which obviates this rejection. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

In view of the foregoing remarks and amendments to the claims, the applicant believes that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

The applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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Attachment: Terminal Disclaimer